

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WASTE MANAGEMENT COUNCIL

In Re: North Country Environmental Services, Inc.  
Standard Permit No. DES-SW-SP-03-002

RECEIVED

JUL 16 2003

Docket No. 03-05 WMC

**DEPARTMENT RESPONSE TO FILINGS ON RECONSIDERATION**

The New Hampshire Department of Environmental Services, through counsel, the Attorney General's Office ("Department"), respectfully submits the following response to the Town's and NCES' filings with regard to the Town's two requests for rehearing:

1. The Department has already argued in favor of dismissing the Town's appeal during oral argument on NCES' Motion to Dismiss. The Council ruled correctly in dismissing the appeal. There is no legal basis for the Town's appeal and the record of the Department's permit action was sufficient for the Council to determine that the appeal warranted dismissal. Hence, the Department agrees with NCES that the Council should deny the Town's July 1, 2003 Motion for Rehearing.
2. With regard to the Town's July 1, 2003 Motion for Rehearing on the Motion to Extend Time, the Department assents to the Town's motion.
3. In the event that the Council decides to hear oral argument on the motions during the Council's July 24, 2003 meeting, the Department respectfully

requests an opportunity to speak to the issues raised in the Town's and NCES' papers.

Respectfully submitted,

NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES  
By its Attorneys,

PETER W. HEED  
ATTORNEY GENERAL

Dated: July 16, 2003

By:

**COPY**  


Maureen D. Smith  
Senior Assistant Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-3679

CERTIFICATE OF SERVICE

I hereby certify that the within *Department Response To Filings On Reconsideration* was this day forwarded via first-class mail, postage prepaid, to Edmund J. Boutin, Esquire and Brenda E. Keith, Esquire, Boutin Associates, PLLC, One Buttrick Road, P.O. Box 1107, Londonderry, NH 03053 and to Bryan K. Gould, Esquire, Brown, Olson & Wilson, PC, 501 South Street, Concord, NH 03304.

Dated: July 16, 2003

**COPY**  
  
Maureen D. Smith